

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

April 22, 2009

MOTOR CARRIER MATTER

☐

DOCKET NO.

2008-360-S

UTILITIES MATTER

☒

ORDER NO.

SUBJECT:

DOCKET NO. 2008-360-S - Happy Rabbit, LP on Behalf of Windridge Townhomes, Complainant, v Alpine Utilities, Incorporated, Respondent - Discuss this Matter with the Commission.

COMMISSION ACTION:

The crux of the case before us is the interpretation of 27-33-50, even in regard to the proper application of Commission Regulation 103-533(3). With that in mind, I have the following motion: While this Commission does not concede that it is without jurisdiction to address the issues raised by Happy Rabbit, the Office of Regulatory Staff's argument regarding judicial economy is a sound one. Certainly, the circuit courts of the state have jurisdiction to interpret this statute, and such a case is currently pending in the circuit court. Resolution of that case could resolve the matters in dispute between the parties. Even if it does not, at the very least, a ruling by the circuit court regarding its interpretation of 27-33-50 would be of assistance to this Commission in determining issues currently in the docket before it, including its jurisdiction over the complaint filed here. Therefore, I move the Commission exercise its discretion for purposes of judicial economy, and dismiss the case without prejudice during the pendency of the circuit court case. If necessary, the Commission would subsequently entertain any request for the filing of new pleadings regarding any unresolved issues for which it is claimed to have jurisdiction.

PRESIDING: FlemingSESSION: RegularTIME: 2:30 p.m.

| | MOTION | YES | NO | OTHER |
|-----------|-------------------------------------|-------------------------------------|--------------------------|-------|
| CLYBURN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| FLEMING | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| HAMILTON | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| HOWARD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| MITCHELL | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| WHITFIELD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| WRIGHT | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

(SEAL)

RECORDED BY: J. Schmieding

